

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
HONORABLE ANDRÉ BIROTTE JR., U.S. DISTRICT JUDGE

UNITED STATES OF AMERICA,)
)
PLAINTIFF,)
)
vs.) No. CR 17-0404-AB
)
1) ARLAN WESLEY HARRELL,)
)
DEFENDANT.)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, JULY 24, 2017

1:54 P.M.

LOS ANGELES, CALIFORNIA

CHIA MEI JUI, CSR 3287, CCRR, FCRR
FEDERAL OFFICIAL COURT REPORTER
350 WEST FIRST STREET, ROOM 4311
LOS ANGELES, CALIFORNIA 90012
cmjui.csr@gmail.com

1 APPEARANCES OF COUNSEL:

2 FOR THE PLAINTIFF:

3 OFFICE OF THE UNITED STATES ATTORNEY
4 BY: VANESSA BAEHR-JONES
5 ASSISTANT U.S. ATTORNEY
6 312 NORTH SPRING STREET, 13TH FLOOR
7 LOS ANGELES, CALIFORNIA 90012
8 (213) 894-2434

9 FOR THE DEFENDANT HARRELL:

10 OFFICE OF THE FEDERAL PUBLIC DEFENDER
11 BY: PEDRO V. CASTILLO
12 DEPUTY FEDERAL PUBLIC DEFENDER
13 321 EAST 2ND STREET
14 LOS ANGELES, CALIFORNIA 90012
15 (213) 894-2854
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1 LOS ANGELES, CALIFORNIA; MONDAY, JULY 24, 2017

2 1:54 P.M.

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4 THE CLERK: Calling CR 17-0404-AB, United States
5 of America versus Arlan Wesley Harrell.

6 Counsel, please state your appearances for the
7 record.

8 MS. BAEHR-JONES: Good afternoon, Your Honor.
9 Vanessa Baehr-Jones on behalf of the
10 United States.

11 THE COURT: Good afternoon.

12 MR. CASTILLO: Good afternoon as well.
13 Pedro Castillo on behalf of Arlan Wesley Harrell
14 who is present in custody.

15 THE COURT: All right. So we're here for a status
16 conference on this case.

17 Miss Baehr-Jones, would you, at least, to the
18 extent you can, give me a brief synopsis of what this case
19 is about. I took a quick look at the Indictment.

20 MR. CASTILLO: Your Honor, if I may, my request
21 was actually to clear the courtroom for -- other than
22 parties to be present.

23 THE COURT: All right. So I am going to grant
24 that request then, unless there is an objection by the
25 government.

1 MS. BAEHR-JONES: No position on the government.

2 THE COURT: I am going to ask -- I need to clear
3 the courtroom. So I am going to ask you all to please step
4 outside so we can discuss this matter, please. Thank you.

5 MR. CASTILLO: My client's family members, his
6 parents are here. I would like for them to be present.

7 THE COURT: And who are those individuals?

8 I see two folks with their hands raised. They can
9 remain.

10 (Brief pause in the proceedings.)

11 (Whereupon the courtroom is cleared.)

12 MR. CASTILLO: Your Honor, I don't know if the
13 Court has granted these kind of requests, but pursuant to
14 Sanchez-Gomez, can my client be unshackled?

15 THE COURT: Any objection from the government? Or
16 is there any position from the government?

17 MS. BAEHR-JONES: No, Your Honor, no objection.

18 THE COURT: All right. So he can be unshackled.

19 Miss Baehr-Jones, why don't you tell me while
20 that's going on what is this case about exactly.

21 MS. BAEHR-JONES: This case originated out of an
22 investigation that HSI Boston and Philadelphia and other
23 offices were coordinating into a Web site that was provided
24 a forum for distribution of child pornography for those
25 producers who were interested -- and other distributors who

1 were interested in children between the ages of zero and
2 five years of age.

3 Out of that investigation, HSI was able to develop
4 leads into users of the Web site, ultimately, were able to
5 identify a user located in Los Angeles -- that's the
6 defendant, Mr. Harrell. Based on investigation into this
7 Web site, we obtained search warrant, arrest warrant based
8 on images that the defendant had produced -- there was
9 probable cause defendant had produced and uploaded to the
10 Web site -- of his minor relatives.

11 During the course of executing the search warrant,
12 agents seized a number of digital devices, digital media
13 from the defendant's bedroom as well as identifying placards
14 that were seized and produced images and videos of child
15 pornography that were uploaded to the Web site which had the
16 user names that are listed in the Indictment -- Soole,
17 Fritters, Kronos, the Dread King.

18 Additional images of child pornography were found
19 on the digital media. There was also evidence that the
20 defendant had produced child pornography with other
21 producers.

22 Subsequently -- this is not in the current
23 Indictment, but the government does anticipate superseding
24 shortly in this case -- the government was able to identify
25 two other producers who were located in California in Fresno

1 and San Jose and issued arrest warrants out of the Central
2 District for those two individuals based on images that were
3 found on Harrell's digital media that they had produced
4 either themselves or jointly with Harrell as well as out of
5 district search warrants for their residences.

6 THE COURT: Thank you. And what -- I think you
7 alluded to this. The victims in these cases, the
8 allegations that they are relatives of Mr. Harrell?

9 MS. BAEHR-JONES: There have been over ten minor
10 victims identified thus far. The majority of them are
11 relatives, nieces and nephews of Harrell.

12 There are additional victims who appear to be
13 either friends of the family or also potentially children
14 that Harrell's mother baby-sat through her day care at their
15 residence.

16 THE COURT: All right. And what's the status
17 about discovery in turning it over to defense counsel?

18 MS. BAEHR-JONES: Yes, Your Honor. That's tricky
19 in this case, and I had discussions with defense counsel
20 about that. The bulk of the discovery -- there is two real,
21 sort of, types of discovery here.

22 There is the forensic evidence. Almost all of
23 that is -- contains child pornography, and I have talked to
24 defense counsel about how we're going to be able to set up
25 review of that either at the U.S. Attorney office or at an

1 HSI forensic lab and have a [unintelligible] review of that
2 material.

3 The other sort of subset is the reports, the
4 search warrants, all the other documents, almost all of
5 which contains victim witness information. So the
6 government has worked with defense counsel on a stipulation
7 for protective order. We just got a signed copy back of the
8 stipulation today. We'll submit it to the Court and then be
9 able to produce pursuant to the protective order.

10 THE COURT: Is there any mandatory minimum in this
11 case?

12 MS. BAEHR-JONES: Yes, Your Honor. Currently the
13 production count comes with a 15-year mandatory minimum.
14 There are other charges. Just so Your Honor is aware, the
15 government is considering here including child exploitation
16 enterprise which comes with a 20-year mandatory minimum, and
17 also a 2251A charge which is the selling or buying of
18 children which comes with a 30-year mandatory minimum.

19 THE COURT: Those charges may be on the table?

20 MS. BAEHR-JONES: Yes, as well as potentially
21 child sex trafficking charges which carry 15-year mandatory
22 minimums.

23 THE COURT: Do you know the age of Mr. Harrell?

24 MS. BAEHR-JONES: I believe 22.

25 MR. CASTILLO: He is 23, Your Honor.

1 THE COURT: All right.

2 Mr. Castillo, what, if anything, do you wish to
3 add to this?

4 MR. CASTILLO: Well, Your Honor, it's a very
5 unfortunate situation. I think the Court can see my
6 client's parents are behind me.

7 THE COURT: They have been here most of the
8 morning.

9 MR. CASTILLO: That was due to a failure to inform
10 them. I had sent the mother an e-mail that the hearing had
11 been moved to the afternoon. I didn't call her. So they
12 were here since 10:00 A.M., I believe.

13 My client's father has worked for 27 years I
14 believe as a bus driver at LAX working for the City of Los
15 Angeles. My client's mother did have a day care business
16 which is she is actually ready to surrender.

17 Mr. Harrell did have a bail hearing, Your Honor,
18 in front of the magistrate, and at that point he was ordered
19 detained.

20 At some point I was hoping -- and that was by
21 Judge Chooljian. I was hoping to revisit bail and ask for a
22 new bail hearing either in front of Your Honor or in front
23 of Judge Chooljian.

24 But we have someone with no criminal history. He
25 has no prior criminal history. I believe he was working at

1 a movie theater -- Cinemark is the name of the theater --
2 before his arrest.

3 It's a difficult case, Your Honor, because we're
4 here now. And, again, the charges as they stand are 15-year
5 mandatory minimum. The government is anticipating filing
6 additional charges which will be heavier.

7 And I guess all I can tell the Court at this point
8 is that we will -- obviously, if we are going to go to
9 trial, we'll need some time to delve into the facts and all
10 the evidence and sort through it all.

11 It will be a little difficult because my client is
12 now in Santa Ana jail. He was at the MDC. However, he was
13 moved due to some security concerns we had for him. So he
14 is now in Santa Ana jail.

15 THE COURT: All right. Obviously --

16 MR. CASTILLO: That's all I can tell.

17 THE COURT: I appreciate that. Obviously
18 Mr. Harrell is lucky to have you as his counsel. If you
19 decide that that's an issue with respect to bail that you
20 want to revisit it, you can revisit it with me. I am not
21 going to give you a preview of sort of my thoughts on it.

22 You know what you are up against, serious charge.
23 Obviously, I am not going to try to rush you to go forward
24 with trial particularly in light of the stakes at least the
25 contemplated -- I should say the stakes currently, and the

1 stakes may get even higher based on the government's
2 continuing investigation.

3 So for now let's leave the trial date of
4 August 29th. Obviously, the parties are going to submit the
5 protective order. I suspect at or around that time you will
6 submit a stipulation to the extent you both deem it is
7 necessary to continue the trial date. I will sign it
8 obviously based on the circumstances here, and so we'll move
9 forward with the case accordingly. All right?

10 MR. CASTILLO: Thank you, Your Honor.

11 THE COURT: All right. Thank you.

12 MS. BAEHR-JONES: Thank you, Your Honor.

13 (Proceedings concluded at 2:03 p.m.)

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CERTIFICATE

I hereby certify that pursuant to Section 753,
Title 28, United States Code, the foregoing is a true and
correct transcript of the stenographically reported
proceedings held in the above-entitled matter and that the
transcript page format is in conformance with the
regulations of the Judicial Conference of the United States.

Date: May 22, 2022.

/S/ CHIA MEI JUI

Chia Mei Jui, CSR No. 3287